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5

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,134	01/20/2004	Norman Ivans	30025.01	4128

7590 09/02/2004
The Law Office of Steven G. Roeder
5560 Chelsea Avenue
La Jolla, CA 92037

EXAMINER

BUI, THACH H

ART UNIT PAPER NUMBER

3752

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,134

Applicant(s)

IVANS, NORMAN

Examiner

Thach H Bui

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. Applicant's prior art citation filed January 20, 2004 has been received, considered and placed of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-17, 20-26, 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Streck et al. (U.S. Patent No. 5,009,368).

As per claims 1,12, 23, 24, 25 Streck et al. teach an irrigation unit comprising a housing (18) (se Fig. 2), a nozzle that is secured to the housing (24) and the nozzle is being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle (see Fig. 2). The apparatus includes a power generator e.g. battery, capacitor, and/or solar panel that generates electrical energy (col. 9, lines 15-20) and an electronic component (col. 9, lines 20-25) coupled to the housing. The power generator is directly transferring at least a portion of the electrical energy to the electronic component.

As per claims 2-3, the apparatus comprises a turbine generator (30) is a power generator to generate variable speed and to control the shutter valve (42) to deliver the

Art Unit: 3752

right amount of water to the field. The turbine is in fluid communication with the fluid source (see Fig. 2).

As per claims 4-6, 26, Streck et al. teach an electrical sprinkler controller (120) connected to a source of electrical power e.g. battery and/or solar panel (as mentioned above) through line (122) to control the flow of water in a source pipe. Therefore, it is inherent that Streck et al. do teach a power generator to generate electrical energy to control the flow of water via a source pipe, and the power generator is positioned near the housing (see Fig. 10).

As per claims 9-11, Streck et al. teach an electronic controller (as mentioned above) of which is a control system and is a power storage unit.

As per claims 13-17, 20-22, 29-30 Streck et al. have all the features of the invention (as mentioned in the above paragraphs).

As per claims 31-38, Streck et al. teach an irrigation unit that has all the features disclosed in the claimed invention. Methods follow by apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8, 18-19, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streck et al.

Art Unit: 3752

As per claims 7, 8, 18-19, 27-28, Streck et al. have all the features of the invention but Streck et al. do not mention specifically that the power generator is secured and/or positioned within the housing. It would have been obvious to one skilled artisan in the art to have made the power generator (i.e. solar panel) secured and/or positioned within the housing to produce a more compact and/or smaller irrigation unit.

Conclusion

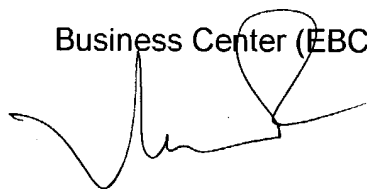
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McLorg, Rosenfeld, Childs et al., Bailey et al. and Williams are cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'T.B.', written over the text of the Electronic Business Center (EBC) contact information.

T.B.
08/23/2004